

# COMMITTEE REPORT

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## MR. PRESIDENT:

The Senate Committee on Judiciary, to which was referred House Bill No. 1119, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 1, line 4, after "13." insert "**Inspections Under**".
- 2       Page 1, delete lines 5 through 17, begin a new paragraph and insert:
- 3       "**Sec. 1. (a) Except as provided in section 2 of this chapter, this**
- 4       **chapter applies to the inspection of seed and the crop growing from**
- 5       **seed by a seed supplier under the seed supplier's rights in a seed**
- 6       **contract.**
- 7       **(b) Other applicable Indiana law not in conflict with this**
- 8       **chapter applies to a seed supplier inspecting seed and the crop**
- 9       **growing from seed under the seed supplier's rights in a seed**
- 10       **contract.**
- 11       **Sec. 2. This chapter does not apply to an inspection by a seed**
- 12       **supplier under the provisions of a production contract.**
- 13       **Sec. 3. As used in this chapter, "farmer" refers to a person who**
- 14       **is engaged in commercial farming and who plants seed in Indiana**
- 15       **under a seed contract for purposes of growing a commercial grain**
- 16       **crop.**
- 17       **Sec. 4. As used in this chapter, "production contract" refers to**
- 18       **any of the following:**
- 19               **(1) A contract to grow seed for demonstration purposes.**
- 20               **(2) A contract to grow seed for research purposes.**
- 21               **(3) A contract to grow seed under which the seed supplier:**

- 1 (A) retains title to the seed, the crop, or a product from the  
 2 crop; or  
 3 (B) has the right or obligation to purchase, receive, or  
 4 direct the disposition of the crop or a product from the  
 5 crop.

- 6 (4) A contract to grow seed in connection with an identity  
 7 preserved crop program."

8 Page 2, delete lines 1 through 2.

9 Page 2, line 3, delete "4" and insert "5".

10 Page 2, delete lines 6 through 26, begin a new paragraph and insert:

11 "Sec. 6. As used in this chapter, "seed contract" refers to a  
 12 written contract between a seed supplier and a farmer that a  
 13 farmer must sign to obtain the seed or the right to plant the seed.

14 Sec. 7. As used in this chapter, "seed supplier" refers to a  
 15 person engaged in commercial production and supply of either of  
 16 the following:

17 (1) Seed.

18 (2) Technology genetically engineered into seed."

19 Page 2, line 28, delete "void" and insert "unenforceable against a  
 20 farmer".

21 Page 2, line 30, delete "void" and insert "unenforceable against a  
 22 farmer".

23 Page 2, delete lines 31 through 33, begin a new paragraph and  
 24 insert:

25 "Sec. 10. A choice of law provision in a seed contract does not  
 26 limit the application of this chapter."

27 Page 2, line 34, delete "12" and insert "11".

28 Page 3, line 15, delete "(4)", begin a new paragraph and insert:  
 29 "(c)".

30 Page 3, line 17, after "in" insert "subsection (a)(2) and (a)(3)".

31 Page 3, delete line 18.

32 Page 3, line 19, delete "(c)" and insert "(d)".

33 Page 3, line 25, delete "(d)" and insert "(e)".

34 Page 3, line 27, delete "(c)" and insert "(d)".

35 Page 3, line 29, delete "(e)" and insert "(f)".

36 Page 3, line 32, delete "However, if" and insert "If".

37 Page 3, line 33, delete "must" and insert "may".

38 Page 3, line 36, delete "(f)" and insert "(g)".

39 Page 3, delete lines 38 through 42.

40 Page 4, delete lines 1 through 12.

41 Page 4, line 13, delete "15" and insert "12".

42 Page 4, line 13, delete "on the" and insert "commenced against a

- 1     **farmer by a seed supplier to enforce its rights under, or in**  
 2     **connection with, a seed contract."**  
 3         Page 4, delete lines 14 through 15.  
 4         Page 4, line 16, delete "all of the".  
 5         Page 4, delete line 17.  
 6         Page 4, line 18, delete "(1) The" and insert "**the**".  
 7         Page 4, run in lines 16 through 19.  
 8         Page 4, delete lines 20 through 27.  
 9         Page 4, delete lines 36 through 42, begin a new paragraph and  
 10     insert:  
 11         **"Sec. 13. (a) A farmer has a right of action against a seed**  
 12         **supplier if the seed supplier or an agent of the seed supplier enters**  
 13         **real property owned or occupied by the farmer in violation of**  
 14         **section 11 of this chapter.**  
 15         **(b) If a farmer prevails in an action filed under this section, the**  
 16         **farmer is entitled to recover from the seed supplier all of the**  
 17         **following:**  
 18                 **(1) Any actual damages proven by the farmer resulting from**  
 19                 **the seed supplier's violation of section 11 of this chapter.**  
 20                 **(2) The farmer's reasonable attorney's fees and other**  
 21                 **litigation costs reasonably incurred in connection with the**  
 22                 **action."**  
 23         Page 5, delete lines 1 through 12.  
        (Reference is to HB 1119 as printed January 30, 2002.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Bray, Chairperson**